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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PENGUIN GROUP (USA), INC.,

Plaintiff,

v.

AMERICAN BUDDHA,

Defendant.

Case No.: 3:13-CV-00497

**DECLARATION OF CHARLES
CARREON IN SUPPORT OF MOTION
FOR ORDER EXTENDING TIME TO
FILE RULE 12 MOTIONS**

DECLARATION OF CHARLES CARREON

Charles Carreon hereby declares:

1. I am an attorney licensed to practice before all courts in the State of California and Oregon, and state the matters herein of personal knowledge. If called as a witness, I could and would so competently testify.
2. Defendant has received one extension of time of twenty days since the Complaint was filed. (Docket # 18.) Defendant has filed a motion to require payment of costs under Rule 41(d) that, if granted, would eliminate the need to decide the issues presented by Rule 12 motions such as a motion to dismiss for improper venue under subsection (b)(3), or a motion to dismiss for failure to state a claim for relief under subsection (b)(6). Further, a motion to

dismiss for lack of proper venue is fact-specific, and would require defendant's counsel approximately fourteen additional days to prepare, given the number of declarations necessary to establish important issues such as witness-inconvenience, the cost of travel to the current venue from Arizona, and other matters susceptible of proof, but requiring time for the marshalling of evidence.

3. Defendant gave written notice of his intention make this motion to plaintiff's counsel and sought to elicit a stipulation, but none was forthcoming.

I declare and affirm, pursuant to 28 U.S.C. § 1746(2), that the foregoing is true and correct under the law of the United States of America, and that this declaration was signed on May 16, 2013, at Tucson, Arizona.

/s/Charles Carreon

Charles Carreon, Declarant